

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7856 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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BINABEN JAYANTIBHAI JOSHI

Versus

STATE OF GUJARAT  
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Appearance :

MR YOGESH S LAKHANI for Petitioners  
MR VB GHARANIA, AGP for Respondent No.1  
MR JR NANAVALI for Respondent No. 2  
None present for Respondent No. 3  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of Decision: 05/08/1999

C.A.V.JUDGMENT

1. Heard learned counsel for the parties.
2. Petitioners pray for directions to the respondent

No.2 to grant post-sanction to the appointments given by the respondent No.3 to them in the subject of Hindi and Sanskrit pursuant to the interviews held and selection made by the duly constituted Selection Committee in the month of December, 1994.

3. Learned counsel for the petitioners does not dispute that the college, respondent No.3 was not an affiliated institution of the Saurashtra University in the year 1994. This affiliation was came to be given to this college only in the year 1996. The selection of the teachers made in accordance with law after affiliation of the college can only be sanctioned by the University and that too only after where it is satisfied that same are made in accordance with law. The selection made in the year 1994 when the college was not affiliated and those appointments were not subject to the sanction. This court cannot compel the University by a writ of mandamus to sanction appointments made during the preaffiliation period. Petitioners have no legal or fundamental rights to get their appointments made in the year 1994 sanctioned by the University where admittedly the college has been affiliated only in 1996. In this writ petition relief of the nature as prayed for by the petitioners cannot be granted, otherwise it will amount to forcing the University to sanction the appointments of the petitioners made by the respondent No.3 when the college was not affiliated. There is no obligation much less a legal obligation on the University to consider the matter for grant of sanction to the appointments of the petitioners made by the institution during the period when the college was not affiliated.

4. This Special Civil Application is wholly misconceived and the same is dismissed. Rule discharged. No costs.

(S.K.Keshote,J.)  
(pathan)